

George Latimer
County Executive

Office of the County Attorney

John M. Nonna
County Attorney

70786

TO: Honorable Board of Acquisition and Contract

FROM: John M. Nonna
County Attorney

DATE: July 16, 2019

RE: Resolution authorizing the County of Westchester to enter into a grant agreement for a Second Upstate Quality Improvement and Caseload Reduction grant (Contract No. C2ND655) (the "Grant") with the New York State Office of Indigent Legal Services for the receipt of \$279,566.00 to improve the quality of mandated indigent legal services for the period July 1, 2017 through June 30, 2020 and to enter into an agreement with The Legal Aid Society of Westchester County and the Westchester County Bar Association for the same period to implement the work plan under the Grant to improve the quality of mandated indigent legal services in an amount not to exceed \$279,566.00.

Article 18-B of the County Law requires each County in New York State to establish a plan for providing counsel to certain indigent persons. Such a plan may be established by agreement with a legal aid society and/or bar association. The Legal Aid Society of Westchester County ("Legal Aid Society") and the Westchester County Bar Association (the "Bar Association") have been providing these services for many years pursuant to agreements with the County.

The New York State Office of Indigent Legal Services ("OILS") issued a Request for Proposals ("RFP") to counties throughout the State seeking proposals outlining a work plan for quality improvement and caseload reduction in connection with mandated indigent legal services in connection with a Second Quality Improvement and Caseload Reduction grant (the "Grant"). The County, through the Legal Aid Society, provided such a work plan to OILS in response to the RFP.

OILS has advised that it approved the County's work plan for the Grant including the creation of a new social worker position with the Legal Aid Society to assist the needs of younger clients as defined by

the Raise the Age Legislation, to collect and report data annually, in statistical and narrative form, to measure the impact of the Upstate Caseload Reduction and Quality Improvement project, and analyze and evaluate project outcomes. The County has received the proposed Grant Agreement from OILS for this Grant.

The annexed resolution authorizes the County to enter into the Grant Agreement with OILS for the receipt of the grant funds. These additional funds provided by OILS can only be used to supplement and not supplant any local funds which the County would otherwise have had to expend for the provision of mandated indigent legal services.

The attached resolution also authorizes the County to enter into an agreement with the Legal Aid Society and the Bar Association to implement the work plan in connection with the Grant Agreement.

The agreements with OILS and the Legal Aid Society and the Bar Association will serve a public purpose in that they will enable the County to improve its effectiveness in providing counsel to indigent persons. The goals and objectives of both agreements are to ensure that effective counsel is provided in a cost efficient manner. The cost effectiveness of the Legal Aid Society's and the Bar Association's performance under its agreement with the County is reviewed annually during the budget request process by the Budget Department. Further, contained in the Grant Agreement are performance measures required by OILS that the Legal Aid Society and the Bar Association will need to satisfy.

The agreement with OILS is exempt from the County's procurement policy pursuant to Section 3(a)iii thereof. The agreement with the Legal Aid Society and the Bar Association is exempt from the procurement policy pursuant to Section 3(a)xiv. No County funds will be expended for these agreements.

I certify that my department a) has copies of, or access to, all applicable laws, rules, regulations, grant applications, and grant agreements (including any master grant agreement), as well as any guidance or instructions received from the agency making the grant (the "Grant Terms"), b) has reviewed the Grant terms, c) is aware of and understands all of the Grant Terms, and d) can and will comply with all of the Grant Terms.

Accordingly, approval of the attached resolution is recommended.

JMN/lac
Attachment

RESOLUTION

Upon a communication from the County Attorney, be it

RESOLVED, that the County of Westchester (the "County") is hereby authorized to enter into a grant agreement with New York State Office of Indigent Legal Services for the Second Quality Improvement and Caseload Reduction grant (Contract No. C2ND655) (the "Grant Agreement") for the receipt of \$279,566.00 to improve the quality of mandated indigent legal services for the period July 1, 2017 to June 30, 2020; and be it further

RESOLVED, that the County is hereby authorized to enter into an agreement with the Legal Aid Society of Westchester to implement the County work plan pursuant to the Grant Agreement in an amount not to exceed \$279,566.00 for the period of July 1, 2017 through June 30, 2018, payable pursuant to an approved budget; and be it further

RESOLVED, that the County Executive, or his duly authorized designee, is empowered to execute all documents necessary to effectuate the purposes thereof.

Account to be Charged/credited	Fund	Dept	Major Program, Program & Phase Or Unit	Object/ Sub Object	Trust Account	Dollars
2017	101	52	2085	5100		\$87,780.00
2018	101	52	2085	5100		\$93,100.00
2019	101	52	2085	5100		\$98,686.00

Budget Funding Year(s) 2017-2019 Start Date July 1, 2017 End Date June 30, 2020
(must match resolution)

Funding Source Tax Dollars _____
 State Aid 100% _____
\$279,566.00 Federal Aid _____
 (must match resolution) Other _____